

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA,

v.

Docket No. 2:16cr20

ANTHONY DERRELL FOYE,

Defendant.

DEFENDANT'S UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

COMES NOW the defendant, Anthony Derrell Foye, by counsel, and hereby moves for the entry of an order continuing the sentencing hearing of this matter. In support of this motion, defendant represents as follows:

1. Defendant is pending sentencing having previously pled guilty to the Indictment charging him with four counts, to wit: Conspiracy to Interfere with Commerce by Means of Robbery in violation of 18 U.S.C. § 1951 (a), Interference of Commerce by Means of Robbery in violation of 18 U.S.C. §§ 1951 (a) and 2, Using, Carrying, and Brandishing a Firearm During a Crime of Violence in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2, and Felon in Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).
2. The sentencing hearing is currently scheduled for Tuesday, August 23, 2016 at 2:00 p.m.
3. Defense counsel recently learned that Mr. Foye through his mother applied for disability benefits based on a mental/emotional condition(s) several years ago. Upon information and belief, as part of that process, Mr. Foye was seen by either a psychologist or psychiatrist. In

addition, upon information and belief various records were submitted with that claim. The records from this claim have been requested but will not be received before the presently scheduled hearing date.

4. Defendant would like the Court to have the opportunity to review these records in consideration of Mr. Foye's sentence. In addition, defense counsel believes it will be important for the Bureau of Prisons to have copies of these records so that Mr. Foye can receive the appropriate counseling and treatment while incarcerated. For these reasons, the defense respectfully requests a brief continuance to allow for defense counsel to receive these requested records.

5. Counsel has discussed this issue and this motion with the Assistant United States Attorney and the Government does not object to this motion. The probation officer has been made aware of this motion.

WHEREFORE, defendant respectfully prays for the entry of an order in accordance with this motion.

Respectfully submitted,

ANTHONY DERRELL FOYE

By: _____/s/_____
Of Counsel

Keith Loren Kimball
VSB No. 31046
Supervisory Assistant Federal Public Defender
Attorney for Defendant Anthony Derrell Foye
Office of the Federal Public Defender
150 Boush Street, Suite 403
Norfolk, Virginia 23510
Telephone: 757- 457-0870
Telefax: 757-457-0880
Email: keith_kimball@fd.org

CERTIFICATE OF SERVICE

I certify that on this 16th day of August, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to:

Andrew Bosse, Esquire
Assistant United States Attorney
Office of the United States Attorney
101 W. Main Street, Suite 8000
Norfolk, Virginia 23510
Email: andrew.bosse@usdoj.gov

And I hereby certify that I have mailed the document by electronic mail to the following non-filing user:

Leah Greathouse
U.S. Probation Officer
United States Probation Office
600 Granby Street, Suite 200
Norfolk, Virginia 23510
Email: leah_greathouse@vaep.uscourts.gov

/s/
Keith Loren Kimball
VSB No. 31046
Supervisory Ass't Federal Public Defender
Attorney for Defendant Anthony Derrell
Foye
Office of the Federal Public Defender
150 Boush Street, Suite 403
Norfolk, Virginia 23510
Telephone: 757- 457-0870
Telefax: 757-457-0880
Email: keith_kimball@fd.org